

)	Case No. 3:18-cv-03748-JCS
Tatyana E. Drevaleva)	
)	
<i>Plaintiff,</i>)	Declaration to my Administrative Motion
)	
vs.)	for Permission to File a Supplemental
)	
)	Brief in Support to my Second Motion to
Mr. Denis Richard McDonough in his)	Strike Zack’s June 04, 2021 Answer to my
capacity as a Secretary of the U.S.)	
Department of Veterans Affairs)	Original June 25, 2018 Complaint,
)	
810 Vermont Avenue, NW,)	the Civil Local Rule 7-11.
Washington, D.C. 20420)	
)	
<i>Defendant</i>)	
)	Location: Courtroom F – 15th Floor
Facility:)	
)	450 Golden Gate Avenue,
New Mexico VA Healthcare System)	
1501 San Pedro Drive, S.E.)	San Francisco, CA 94102
Albuquerque, NM, 87108)	
)	Judge: the Hon. Joseph C. Spero

1 I, Plaintiff Tatyana E. Drevalova, hereby declare:

- 2 1) I am a Plaintiff Pro Se and a Party in this action
- 3 2) I have personal knowledge of the facts stated herein, which are known by me to be
- 4 true and correct, and I will testify competently thereto
- 5 3) On both December 03, 2018 and July 11, 2019, Alsup criminally accused me in
- 6 failing to provide my medical documentation on English language prior to my leave
- 7 4) In her June 04, 2021 Answer to my June 25, 2018 Original Complaint, Zack accused
- 8 me in failing to provide my medical documentation on English
- 9 5) On June 19, 2021, I filed the Second Motion to Strike where I asked the Court to
- 10 strike Zack's statement that I hadn't provided my medical documentation on English
- 11 language as immaterial
- 12 6) On July 01, 2021, Zack asserted that my alleged failure to provide my medical
- 13 documentation was an important defense, and Zack asked the Court not to strike this
- 14 defense
- 15 7) Pursuant to 29 CFR § 1630.14(c), a covered entity **may** require an employee to
- 16 provide only the medical documentation "**that is job-related and consistent with**
- 17 **business necessity**. A covered entity may make inquiries into **the ability of an**
- 18 **employee to perform job-related functions**"
- 19 8) Therefore, I am respectfully asking the Court to allow me to file a Supplemental Brief
- 20 in support to my Second Motion to Strike and to discuss that the medical
- 21 documentation that Ms. Dunkelberger required (that I needed to go to Russia for an
- 22 In-Vitro fertilization procedure) was **not** job related, was **not** consistent with the
- 23 business necessity, and it was **not** related to my ability to perform the essential
- 24 functions of my job as a Medical Instrument Technician (Electrocardiograph.)
- 25 Therefore, Ms. Dunkelnerger was prohibited **from ever asking me** to provide **this**
- 26 medical documentation because this request invaded my privacy. I was not obligated
- 27 to disclose that, instead of giving birth to children by a natural way, I was compelled
- 28 to perform In-Vitro Fertilization procedures.

1 I declare under the penalty of perjury and under the Federal laws that all foregoing is true
2 and correct. Executed at San Francisco, CA on July 05, 2021.

3
4 Respectfully submitted,

5
6 s/ Tatyana Drevaleva



7 Plaintiff Pro Se

8
9 July 05, 2021.